

UNITED STATES DISTRICT COURT  
DISTRICT OF CALIFORNIA

Garrison S. Johnson  
Petitioner

v.

Case Number: C-07-6578 SBA

USDC-CAN  
Respondent

PROOF OF SERVICE

I hereby certify that on July 2008, I served a copy

of the attached Writ of Mandamus and Motion for Leave to Proceed  
In Forma pauperis With Declaration in Support of,  
by placing a copy in a postage paid envelope addressed to the person(s) hereinafter

listed, by depositing said envelope in the United States Mail at

Tehachapi, California:

(List Name and Address of Each  
Defendant or Attorney Served)

Sandra B. Armstrong  
U.S. District Judge  
Norther District of California  
1301 Clay Street, Suit 400S  
Oakland, CA 94612-5212

I declare under penalty of perjury that the foregoing is true and correct.

Garrison S. Johnson

(Signature of Person Completing Service)

1 GARRISON S. JOHNSON DS9672  
2 CCI  
3 P.O. Box 1906  
4 Tehachapi, CA 93581  
5  
6  
7  
8

**FILED** *a*  
JUL 10 2008  
RICHARD L. WINSTON  
CLERK U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

9 United States Court Of Appeals  
10 For The Ninth Circuit

11 GARRISON S. JOHNSON,  
12 Petitioner.

Case NO. *C-07-578-828*

13 V.  
14 UNITED STATES DISTRICT COURT  
15 NORTHERN DISTRICT OF CALIFORNIA  
16 Respondents.

WRIT OF MANDAMUS  
Pursuant To 28 U.S.C.  
1651a And FRAP 21

17 Real Party In Interest.  
18

*NC*  
19 Petitioner Garrison S. Johnson, is the petitioner in the  
20 above entitled civil action who moves the Court to issue  
21 this Writ of Mandamus.  
22  
23  
24  
25  
26  
27

## RELIEF SOUGHT

That this Court issue an order directing the U.S. Northern District Court Of California to Screen petitioner's 1983 Civil Complaint pursuant 28 U.S.C. 1915A(a) relating to this matter and require the defendants to reply to the Complaint pursuant to 42 U.S.C. § 1997e(g)(2).

## ISSUES PRESENTED

The District Courts Failure to Screen petitioner's Complaint in a reasonable timely manner and require the defendants to answer the Complaint deprive petitioner of his due process, and equal protection of the law rights under the 14th Amendment to the U.S. Constitution to prosecute his 1983 Civil rights action.

## FACTS NECESSARY TO UNDERSTAND THE ISSUE PRESENTED

On November 1, 2007, petitioner Filed a 1983 Civil Complaint in the California Northern U.S. District Court in the case Garrison S. Johnson v. G. Zavala et al., Case NO. C 07-05578 SBA (PR) alleging the defendants retaliated against him for filing a lawsuit against them. On January 17, 2008, the district Court granted plaintiff in forma pauperis status and issued an order stating that the Court will review plaintiff's Complaint in a separate written Order. See attached (Exhibit A, district Court's Order). However, 8-months has past and the district Court has not screened the Complaint and/or required the defendants to file an answer.



REASON WHY THE WRIT SHOULD BE ISSUED

(1) It is uncommon for any District Court in the State of California to set on a prisoner's 1983 Civil Complaint for 8-months without screening it within a reasonable time.

(2) Most California U.S. District Courts screen 1983, Complaints within 30 to 90 days.

Wherefore, for the herein reasons petitioner prays that this Court issue the writ directing the District Court to screen his complaint and require the defendants to file an answer.

Dated: 7/2/08

Respectfully Submitted,


  
GARRELSON S. JOHANSSON

EXHIBIT A

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

**FILED**

RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND

JAN 1 / 2008

GARRISON S. JOHNSON,

No. C 07-05578 SBA (PR)

Plaintiff,

**ORDER GRANTING**  
**IN FORMA PAUPERIS STATUS**

v.

G. ZAVALA, et al.,

Defendants.

Plaintiff's application for in forma pauperis status is GRANTED. The total filing fee due is \$350.00. The initial partial filing fee due for Plaintiff at this time is \$12.50. A copy of this Order and the attached instruction sheet will be sent to Plaintiff, the Prison Account Trust Office and the Court's Financial Office.

The Court will review Plaintiff's complaint in a separate written Order.

IT IS SO ORDERED.

DATED: 1/16/08

  
SAUNDRA BROWN ARMSTRONG  
United States District Judge

UNITED STATES DISTRICT COURT  
FOR THE  
NORTHERN DISTRICT OF CALIFORNIA

GARRISON S JOHNSON,  
Plaintiff,

Case Number: CV07-05578 SBA

**CERTIFICATE OF SERVICE**

v.

G ZAVALA et al,  
Defendant.

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on January 17, 2008, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Garrison S. Johnson D59672  
California Correctional Institution  
P.O. Box 1906  
Tehachapi, CA 93581

Dated: January 17, 2008

Richard W. Wieking, Clerk  
By: LISA R CLARK, Deputy Clerk

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

**INSTRUCTIONS FOR PAYMENT OF PRISONER'S FILING FEE**

The prisoner shown as the plaintiff or petitioner on the attached order has filed a civil action in forma pauperis in this court and owes to the court a filing fee. Pursuant to 28 U.S.C. § 1915, the fee is to be paid as follows:

The initial partial filing fee listed on the attached order should be deducted by the prison trust account office from the prisoner's trust account and forwarded to the clerk of the court as the first installment payment on the filing fee. This amount is twenty percent of the greater of (a) the average monthly deposits to the prisoner's account for the 6-month period immediately preceding the filing of the complaint/petition or (b) the average monthly balance in the prisoner's account for the 6-month period immediately preceding the filing of the complaint/petition.

Thereafter, on a monthly basis, 20 percent of the preceding month's income credited to the prisoner's trust account should be deducted and forwarded to the court each time the amount in the account exceeds ten dollars (\$10.00). The prison trust account office should continue to do this until the filing fee has been paid in full.

If the prisoner does not have sufficient funds in his/her account to pay the initial partial filing fee, the prison trust account office should forward the available funds, and carry the balance forward each month until the amount is fully paid.

If the prisoner has filed more than one complaint, (s)he is required to pay a filing fee for each case. The trust account office should make the monthly calculations and payments for each case in which it receives an order granting in forma pauperis and these instructions.

**The prisoner's name and case number must be noted on each remittance.** The initial partial filing fee is due within thirty days of the date of the attached order. Checks should be made payable to Clerk, U.S. District Court and sent to Prisoner Accounts Receivable, U.S. District Court, 450 Golden Gate Avenue, Box 36060, San Francisco, CA 94102.

cc: Plaintiff/Petitioner  
Finance Office



1 Garrison S. Johnson D59692  
2 CCI  
3 P.O. Box 1906  
4 Tehachapi, CA 93581



5  
6  
7  
8 United States Court of Appeals  
9 For The Ninth Circuit

11 GARRISON S. JOHNSON,  
12 Petitioner,

13 V.

14 UNITED STATES DISTRICT COURT  
15 NORTHERN DISTRICT OF CALIFORNIA  
16 Respondents.

17 Real Party In Interest.


Case No.

MOTION FOR LEAVE TO PROCEED  
IN FORMA PAUPERIS WITH  
DECLARATION IN SUPPORT OF

18  
19 Petitioner Garrison S. Johnson, pursuant to 28 U.S.C. 1915,  
20 move this Court for order permitting him to proceed with-  
21 out prepayment of fees and costs or security.  
22 Petitioner has attached a declaration in support of this  
23 motion.

24 Dated: 7/2/08

Respectfully Submitted,

25   
26 GARRISON S. JOHNSON  
27

